

REMARKS

I. Introduction

Claims 2-11 are pending and are rejected. Claim 10 has been amended. Applicants have filed a Request for Continued Examination (RCE) herewith. Claim 10 is the only independent claim.

II. The Rejections

A. The §103 Rejections of claims 2-8 and 10-11

Claims 2-8 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,401,895 to Petkovsek and U.S. Patent Application Publication No. 2003/0063715 to Peplinski. These rejections are respectfully traversed for the reasons stated below.

B. The §103 Rejections of Claim 9

Claim 9 was rejected under 35 U.S.C. §103(a) as being obvious over Petkovsek and Peplinski in view of U.S. Patent No. 5,844,328 to Furst ("Furst"). This rejection is respectfully traversed for the reasons stated below.

III. The Claims are Allowable

A. Claims 2-8 and 10-11 are Allowable

Petkovsek teaches supplying dc power to a load. As shown in FIG. 1 of Petkovsek (reproduced below for the convenience of the Examiner), a dc-to-dc up converter 20 is connected between a battery 18 and the power switch 14. When the main supply fails, voltage is drawn from the battery 18 and substantially increased by the dc-to-dc up converter 20 before it reaches the power switch (and thereby the outputs 10c and 10d). The path from the battery 18 to the output switch 12 includes a diode and the dc-to-dc up converter 20. As described by Petkovsek, the battery voltage is increased to a level of more than 240 volts by the dc-to-dc up converter 20. See Petkovsek, col. 4, lines 59-67.

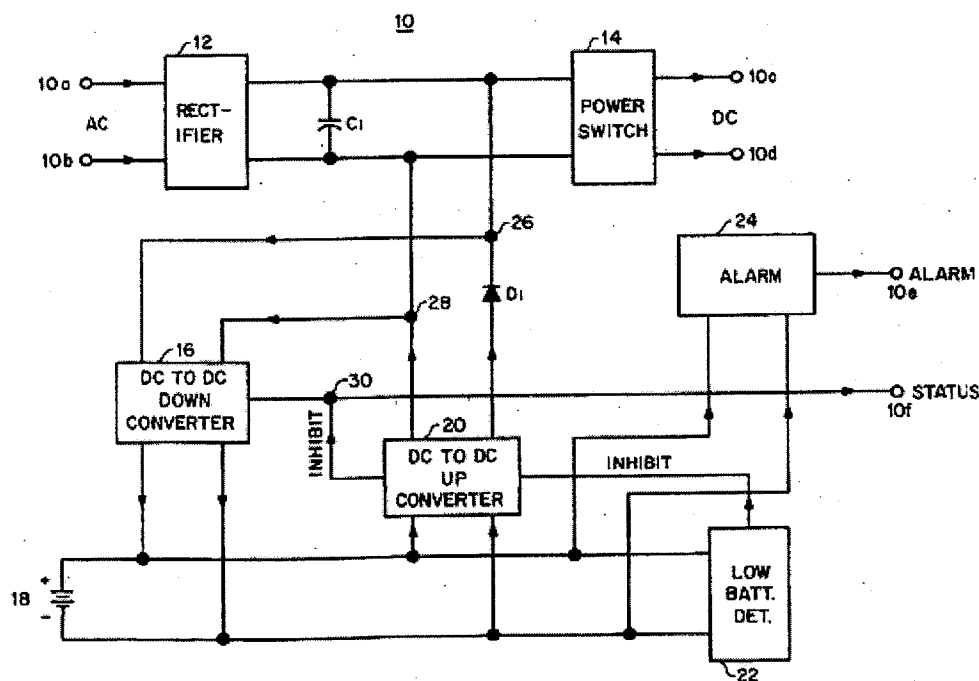
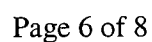


FIG. 1

Petkovsek does not teach or suggest a third conduction path where the magnitude of the battery dc voltage is conducted without being substantially adjusted by any intervening electrical device when mains voltage to the mains voltage input fails all as recited in claim 10. To the contrary, Petkovsek requires the use of an intervening device (i.e., the dc-to-dc up converter 20) to substantially increase the battery voltage before this substantially modified (i.e., substantially increased) voltage is presented to the dc voltage supply.

As for the Peplinski reference, a system for supplying battery back-up power that is controlled by switches (i.e., switches S1, S2, S3, and S4) is described. See FIG. 6b of Peplinski reproduced below for the convenience of the Examiner. During ordinary operation of the garage door operator (no mains power failure), the batteries B1 and B2 are connected to the battery chargers 210 and 212 and this allows charging. When the garage door operator experiences a loss of external power, this loss of power cycles relays K1, K2, K3, and K4 to operate the corresponding switches S1, S2, S3, and S4. In this situation, the batteries B1 and B2 are disconnected from the battery chargers 210 and 212. Switches S2 and S4 are switched to the open position to disconnect batteries B1 and B2 from their respective battery chargers

Fig. 6b



However, Peplinski does not teach or suggest a third conduction path having a unidirectional isolation device that connects a battery DC voltage from the first battery terminal to the DC voltage supply such that the magnitude of the battery dc voltage is conducted along the third conduction path without being substantially adjusted by any intervening electrical device when mains voltage to the mains voltage input fails all as recited in claim 10. To the contrary, the Peplinski system does not even include an isolation device between the battery and the dc voltage supply and, consequently, can not and will not operate as recited in claim 10.

Since the above-mentioned claim elements are not taught or suggested by the cited references, it is submitted that claim 10 is allowable over the proposed combination. Claims 2-8 and 11 depend directly or indirectly upon claim 10. Since claim 10 is allowable, it is submitted that these dependent claims are also allowable.

B. Claim 9 is Allowable

As mentioned, claim 9 was rejected over Petkovsek, Peplinski, and Furst. Claim 9 depends upon claim 10 and Furst does not remedy the deficiencies of Petkovsek and Peplinski. More specifically, Furst discloses a backup device for an electric appliance that includes a switch 72 that allows a battery 12 to be disconnected from an appliance 20. However, Furst does not teach or suggest both a first and second conduction path connected to the DC voltage supply, and a third conduction path structured as recited in claim 9. To the contrary, Furst does not even include a third conductive path, much less a conductive path that includes a unidirectional isolation device. Since the above-mentioned claim elements of claim 9 are not taught or suggested by any of the cited references, it is submitted that claim 9 is allowable over the proposed combination.

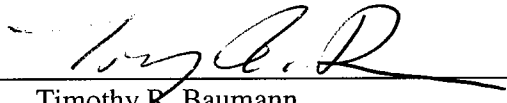
Application No. 10/661,177
Reply to Office Action of May 23, 2008

Docket No.:5569/79287

IV. Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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